

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SSO-00 H-01 EB-08 /025 W
-----046804 071652Z /46

O 071507Z JUL 78

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC IMMEDIATE NIACT 0483

C O N F I D E N T I A L SECTION 1 OF 3 BUCHAREST 4768

E.O. 11652: GDS

TAGS: CPRS, RO

SUBJECT: THE TUDOR CLAIM

REF: (A) BUCHAREST 4680, (B) STATE 164869

1. IN RESPONSE TO OUR EARLIER REQUEST (PARA 3, REFTEL A),
ON JULY 7 CONSULAR DEPARTMENT DIRECTOR BADESCU PROVIDED
DCM WITH NOTE AND CERTIFIED COPIES OF THREE LEGAL DOCU-
MENTS ARISING FROM COURT DECISIONS REFERRED TO IN REPORT OF
ROMANIAN STATE ACADEMY DATED JULY 31, 1975.

2. TRANSLATION OF EACH FOLLOWS:

A. NOTE: BEGIN TEXT:

SOCIALIST REPUBLIC OF ROMANIA
MINISTRY OF FOREIGN AFFAIRS
NR. 8/18563

THE MINISTRY OF FOREIGN AFFAIRS OF THE SOCIALIST
REPUBLIC OF ROMANIA PRESENTS ITS COMPLIMENTS TO THE
EMBASSY OF THE UNITED STATES OF AMERICA IN BUCHAREST,
AND REFERRING TO ITS VERBAL NOTE NR. 8/15535 OF
MAY 30, 1978, AND TO THE DISCUSSION HELD ON JULY 5,
1978, WITH MR. THOMAS W. SIMONS, JR., DEPUTY CHIEF OF
MISSION, HAS THE HONOR TO SEND ATTACHED THE FOLLOWING
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DOCUMENTS ON THE "CONSTANTIN ORGHIDAN" INHERITANCE:

1. THE COPY OF THE DECISION OF THE FORMER
ILFOV COURT, CIVIL SECTION 6, RECORDED IN ITS MAIN
REGISTER OF NOVEMBER 23, 1946 (DOSSIER NR. 3760/1944);

2. THE COPY OF THE CERTIFICATE NO. 45104 OF

NOVEMBER 4, 1946;

3. THE COPY OF THE HEIR CERTIFICATE NR. 187,
ISSUED BY THE STATE NOTARY OFFICE OF DECEMBER 30
DISTRICT, BUCHAREST, ON APRIL 25, 1967.

THE MINISTRY OF FOREIGN AFFAIRS STATES THAT THE
ABOVE-MENTIONED DOCUMENTS REMAINED FINAL, NOE OF THEM
BEING CONTESTED BY ANY ACTION IN LAW, AND NO OTHER
ROMANIAN INSTANCE HAS PASSED ANY DECISION ON THE
"ORGHIDAN" COLLECTION.

THE MINISTRY OF FOREIGN AFFAIRS OF THE SOCIALIST
REPUBLIC OF ROMANIA AVAILS ITSELF OF THIS OPPORTUNITY
TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA
THE ASSURANCE OF ITS HIGHEST CONSIDERATION.

BUCHAREST, JULY 7, 1978. END TEXT.

B. COPY OF DECISION OF ILFOV COURT REGISTERED
NOVEMBER 23, 1946: BEGIN TEXT:

DOSSIER NO. 3760/1944

ILFOV COURT, SECTION VI
LEDGER NO. (NONE LISTED)
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NOVEMBER 23, 1946

CONCERNING THE REQUEST MADE BY THE ROMANIAN ACADEMY
THROUGH THE PETITION REGISTERED UNDER NO. 37494/1946
ASKING TO BE GRANTED POSSESSION OF THE PROPERTY LEFT BY
THE DECEASED ENGINEER CONSTANTIN ORGHIDAN ON THE BASIS
OF THE TESTAMENT AUTHENTICATED BY THE NOTARY, DR. REPEDE
OF CARANSEBES, UNDER NO. 409 OF JULY 9, 1944, WHICH
APPOINTS IT AS UNEVERSAL LEGATEE:

TAKING INTO ACCOUNT THE FACT THAT BY HIS ABOVE-
MENTIONED TESTAMENT, A COPY OF WHICH IS TO BE FOUND IN
THE DOSSIER, THE DECEASED ENGINEER CONSTANTIN ORGHIDAN
APPOINTED THE ROMANIAN ACADEMY AS UNIVERSAL LEGATEE OF
HIS PROPERTY IN TERMS OF THAT TESTAMENT;

TAKING INTO ACCOUNT THE FACT THAT, ACCORDING
TO THE WITNESSES HEARD BY THE DEPUTY JUDGE IN CONNECTION
WITH THIS SUCCESSION, THE DECEASED DID NOT LEAVE ANY HEIRS
WITH RESERVED RIGHTS, THAT IS NEITHER DESCENDANTS NOR
ASCENDANTS, WHO, ACCORDING TO ARTICLE 653 OF THE CIVIL
CODE HAVE, BY RIGHT, POSSESSION OF THE SUCCESSION;

TAKING INTO ACCOUNT THE FACT THAT, ACCORDING TO ARTICLE 891 OF THE CIVIL CODE, WHEN THE TESTATOR DOES NOT LEAVE HEIRS WITH RESERVED RIGHTS, THAT IS CHILDREN OR PARENTS, THE UNIVERSAL LEGATEE REQUESTS FROM COURT THE POSSESSION OF THE PROPERTY SPECIFIED IN THE TESTAMENT.

WE CONSIDER THAT, ALTHOUGH THE DECEASED ENGINEER CONSTANTIN ORGHIDAN LEFT BEHIND A LIVING WIFE, MARTHA ELENA ORGHIDAN, WHO, ACCORDING TO LAW 319/1944, HAS A RIGHT TO INHERIT FROM HER HUSBAND'S SUCCESSION, SINCE THIS SPECIAL LAW DOES NOT GRANT THE SURVIVING SPOUSE THE POSSESSION BY RIGHT, THAT IS THE SHARE WHICH
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ARTICLE 653 OF THE CIVIL CODE GRANTS TO DESCENDANTS AND ASCENDANTS, IT FOLLOWS THAT THE ROMANIAN ACADEMY WAS RIGHT IN ADDRESSING THE COURT ACCORDING TO ARTICLE 891 OF THE CIVIL CODE, REQUESTING TO BE GRANTED POSSESSION OF THIS INHERITANCE.

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC NIACT IMMEDIATE 0484

C O N F I D E N T I A L SECTION 2 OF 3 BUCHAREST 4768

WE CONSIDER THAT IT IS INDEED INADMISSIBLE THAT THE UNIVERSAL LEGATEE SHOULD REQUEST POSSESSION OF THIS INHERITANCE FROM THE WIFE, IN THIS SPECIFIC CASE, SINCE THE WIFE HERSELF IS NOT GRANTED THIS POSSESSION BY LAW, AS IS THE CASE WITH DESCENDANTS AND ASCENDANTS.
WE CONSIDER THAT, WHILE IT SEEMS THAT ARTICLE 2 OF LAW 319/1944 GRANTS THE SURVIVING SPOUSE A

RESERVED RIGHT TO THE PROPERTY OF THE DECEASED SPOUSE,
IT IS, HOWEVER, INCONTESTABLE THAT THE LAW DOES NOT
GRANT THE SURVIVING SPOUSE THE SAME SHARE WHICH THE
CIVIL CODE, BY ARTICLE 653, GRANTS TO DESCENDANTS AND
ASCENDANTS;

THAT, THEREFORE, SINCE THE WIFE, IN THIS
SPECIFIC CASE, DOES NOT HAVE POSSESSION BY RIGHT OF
INHERITANCE, THE REQUEST OF THE ROMANIAN ACADEMY,
SUBMITTED TO THE COURT ACCORDING TO ARTICLE 891 OF
THE CIVIL CODE, IN ITS CAPACITY OF A UNIVERSAL LEGATEE,
TO BE GRANTED POSSESSION OF THE PROPERTY SPECIFIED IN
THE TESTAMENT OF THE DECEASED CONSTANTIN ORGHIDAN, IS
ADMISSIBLE AND, CONSEQUENTLY,

THE COURT
FOR THE ABOVE-MENTIONED REASONS
DECREES:

IT ADMITS THE REQUEST MADE BY THE ROMANIAN ACADEMY,
THROUGH ITS LEGAL REPRESENTATIVES LOCATED IN BUCHAREST,
CALEA VICTORIEI, 125, BY THE PETITION REGISTERED UNDER
NO. 37494/1946.

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IT ORDERS THAT THE ABOVE-MENTIONED/ACADEMY/SHOULD
BE GRANTED POSSESSION OF THE PROPERTY LEFT BY THE
DECEASED ENGINEER CONSTANTIN ORGHIDAN AND SPECIFIED
IN THE TESTAMENT AUTHENTICATED UNDER NO. 409
OF JUNE 9, 1944, BY THE PUBLIC NOTARY, DR. REPEDE OF
CARANSEBES, UNDER BENEFIT OF INVENTORY.

ISSUED IN THE COUNCIL HALL TODAY, NOVEMBER 23, 1946.

SIGNATURE ILLEGIBLE

CLERK OF THE COURT
SIGNATURE ILLEGIBLE

ROMANIAN PEOPLE'S REPUBLIC
CLERK OF THE ILFOV COURT, SECTION I C.C.
THE PRESENT COPY CORRESPONDING TO THE ORIGINAL IN
DOSSIER NO. 3760/1944 IS LEGALIZED BY US, ON PLAIN
PAPER, ON THE BASIS OF THE LETTER NO. 49 OF THE
MINISTRY OF FOREIGN TRADE
DOSSIER S I CIV. NO. 6654/8
CLERK OF THE COURT
SIGNATURE ILLEGIBLE
CORRESPONDS TO THE ORIGINAL
END TEXT.

C. COPY OF CERTIFICATE NO. 45104, DATED NOVEMBER 4,
1946, REGISTERING ACCEPTANCE OF INHERITANCE BY THE
ROMANIAN ACADEMY: BEGIN TEXT:
ROMANIA
CLERK OF THE ILFOV COURT, SECTION I C.C.
CERTIFICATE
NR. 45104 OF NOVEMBER 4, 1946

IT IS HEREBY CERTIFIED BY US, THE FIRST CLERK OF
THE ILFOV COURT, SECTION I C.C., THAT THE ROMANIAN
ACADEMY, LOCATED IN BUCHAREST, CALEA VICTORIEI 125,
EMPOWERED BY THE MINUTE DATED JUNE 18, 1946, OF THE
DELEGATION OF THIS SAME INSTITUTION, HAS STATED, BOTH
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ORALLY AND BY THE PETITION REGISTERED UNDER NR. 24552/946
(LETTER NR. 3533 OF JUNE 27, 1946) THAT IT ACCEPTS, UNDER
BENEFIT OF INVENTORY, THE INHERITANCE LEFT TO THE
ROMANIAN ACADEMY BY DECEASED ENG. CONSTANTIN ORGHIDAN,
ACCORDING TO THE WILL DATED JUNE 9, 1944, AUTHORIZED BY
NOTARY PUBLIC GH. REPEDE FROM CARANSEBES, BY MINUTE
NR. 409/944, FOR THE PURPOSE OF, AND UNDER THE TERMS
PROVIDED FOR BY THE WILL, SHOWING THAT THIS STATEMENT IS BASED
ON THE DECISION NR. 22254 OF AUGUST 27, 1945, PUBLISHED
IN THE OFFICIAL GAZETTE NR. 198 DATED SEPTEMBER 1, 1945,
OF THE MINISTRY OF NATIONAL EDUCATION, BY WHICH THE
ACADEMY HAS BEEN AUTHORIZED TO RECEIVE THE INHERITANCE
LEFT UNDER BENEFIT OF INVENTORY, AND HAS BEEN NOTED AND
RECORDED UNDER NUMBER 173/946 IN THE LEDGER FOR
RENOUNCING INHERITANCES AND ACCEPTANCE UNDER BENEFIT
OF INVENTORY, ACCORDING TO THE ARTICLE 704 OF CIVIL CODE.

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SSO-00 H-01 EB-08 /025 W
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FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC NIACT IMMEDIATE 0485

C O N F I D E N T I A L SECTION 3 OF 3 BUCHAREST 4768

WHEREUPON WE HAVE ISSUED THIS CERTIFICATE ON REGULAR
PAPER, STAMP-EXEMPT.
L.S. FIRST CLERK CERTIFY THIS IS A TRUE COPY
SIGNATURE ILLEGIBLE SIGNATURE: C. CONSTANTINESCU
CORRESPONDING TO THE ORIGINAL CORRESPONDING TO THE ORIGINAL

END TEXT.

D. COPY OF HEIR'S CERTIFICATE NR. 187, ISSUED
APRIL 25, 1967: BEGIN TEXT:
SOCIALIST REPUBLIC OF ROMANIA
MINISTRY OF JUSTICE
LOCAL STATE NOTARY OFFICE
OF "30 DECEMBER" DISTRICT
BUCHAREST
DOSSIER S NO. 187/1967

HEIR'S CERTIFICATE
NO. 187/1967
YEAR: 1967, MONTH: APRIL, DAY: 25
ON THE BASIS OF THE PETITION REGISTERED UNDER NO. 187/
1967 IN THE CLOSING STATEMENT OF APRIL 25, 1967, AND IN
ACCORDANCE WITH ARTICLES 18 AND 22 OF THE DECREE NO.
40/1953, REPRINTED;

IT IS CERTIFIED THAT:

I. THE DECESED ORGHIDAN MARTA, WITH LAST RESIDENCE
IN BUCHAREST, BD. MAGHERU NO. 20, DISTRICT "30 DECEMBER,"
DIED ON FEBRUARY 17, 1967, LEAVING BEHIND:

II. SUCCESSION:
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A. MOVABLES:

A BED, A WARDROBE, A DRESSING TABLE, A LITTLE
TABLE, A TABLE, AN ARMCHAIR, TWO CHAIRS, A CARPET, TWO RUGS,
A GAS STOVE WITHOUT A GAS CYLINDER, TWO PEGS, A LEATHER
SUITCASE, TWO CARDBOARD TRUNKS.

B. REAL ESTATE: NONE
NO INVENTORY HAS BEEN MADE.

III. HEIRS

1. UNGUREANU ION, RESIDENT IN BUCHAREST, BD.
MAGHERU NO. 20, FLOOR IV, APARTMENT 5, DISTRICT
"30 DECEMBER," WHO, IN HIS CAPACITY OF A DEVISEE, IS
ENTITLED TO THE WHOLE PROPERTY.

SUCCESSION WAS RENOUNCED BY: NONE

IV. INHERITANCE TITLE

1. LEGAL FOR THE HEIRS: NONE

2. TESTAMENTARY FOR THE HEIR UNGUREANU ION,
ON THE BASIS OF THE TESTAMENT AUTHENTICATED UNDER
NO. 709 OF JANUARY 28, 1967, BY THE STATE NOTARY
OFFICE OF THE "30 DECEMBER" DISTRICT.

V. THE HEIRS CAN ASK FOR THE REGISTRATION OF THE
PROPERTY RIGHT IN LAND REGISTER ACCORDING TO THE PRESENT
HEIR CERTIFICATE.
STATE NOTARY
SIGNATURE: CORICI MELANIA

INHERITANCE FEE IN THE AMOUNT OF LEI HAS BEEN:

A. PAID WITH SAVING BANK RECEIPT NR. ISSUED
BY .

B. PAYMENT SPREAD OUT ACCORDING TO THE LETTER OF
FINANCIAL WARD , DISTRICT , FIRST INSTALLMENT
WITH RECEIPT NR. .

C. DEBIT CONFIRMED WITH THE LETTER OF FINANCIAL
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WARD DISTRICT NR. .

THE PRESENT CERTIFICATE WAS ISSUED TODAY, .
(AUTHENTICATE FOLLOWS) CORRESPONDING TO THE ORIGINAL,
STATE NOTARY,
CORRESPONDING TO THE ORIGINAL.
END TEXT.

3. BADESCU STRESSED POINT THAT DOCUMENTS ARE BEING
PROVIDED WITH ACADEMY APPROVAL AS GESTURE OF GOOD FAITH
FOR USE BY U.S. PUBLIC INSTITUTIONS (DEPARTMENT AND
CONGRESS) ONLY. ALTHOUGH ALL DOCUMENTS ARE ON PUBLIC
RECORD IN ROMANIA, BADESCU ASKED THAT THEY NOT BE GIVEN
TO TUDOR'S ATTORNEYS, AND ADDED THAT GOR WOULD NOT EVEN
ADVISE ITS OWN COUNSEL THAT THESE DOCUMENTS HAVE BEEN
PASSED TO DEPARTMENT.

4. COMMENT. WE ARE ENCOURAGED BY GOR'S WILLINGNESS TO
PROVIDE THIS INFORMATION, WHICH, BADESCU MADE CLAR, STEMS
FROM PRESENT POSITIVE MOMENTUM IN OVERALL RELATIONS. AT SAME
TIME, HE STATED FIRMLY THAT GOR HAS NOW DONE ALL IT CONSIDERS
PROPER WITH REGARD TO CASE WHICH IS BEFORE U.S. COURT.
ONCE ACTUAL CASE IS RESOLVED IN COURTS, GOR WOULD
TAKE ANOTHER LOOK; UNTIL THEN, IT WOULD REFRAIN FROM
STEPS LIABLE TO COMPROMISE ITS DEFENSE ARGUMENT. END COMMENT.
AGGREY

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Message Attributes

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Concepts: n/a
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Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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From: BUCHAREST
Handling Restrictions: n/a
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Litigation History:
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SAS ID: 2092096
Secure: OPEN
Status: NATIVE
Subject: THE TUDOR CLAIM
TAGS: CPRS, RO, US
To: STATE
Type: TE
vdkgvwkey: odbs://SAS/SAS.dbo.SAS_Docs/8e69e779-c288-dd11-92da-001cc4696bcc
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Sheryl P. Walter
Declassified/Released
US Department of State
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20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014